

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PAUL SAMUEL JOHNSON,
Plaintiff,
v.
WARDEN FONG, et al.,
Defendants.

Case No.: 11-02058 CW (PR)
ORDER OF DISMISSAL

Plaintiff filed the present pro se civil rights action and an application seeking leave to proceed in forma pauperis (IFP) when he was incarcerated at the California State Prison - Solano. The Court granted Plaintiff IFP status, but later revoked that status when he sought leave to proceed IFP on appeal. Docket nos. 34, 43.

After the Ninth Circuit remanded the case to this Court for further proceedings, Plaintiff was released from custody. In an order dated December 17, 2012, the Court informed him that, because he had been released, he now must apply to proceed IFP under the general provisions of 28 U.S.C. § 1915(a)(1) or pay the full filing fee. Additionally, the Court dismissed the complaint with leave to amend because of various pleading deficiencies. The Court ordered Plaintiff to file his IFP or pay the filing fee, and to file his amended complaint, no later than fourteen days from the date of the order. The Court informed Plaintiff that failure to comply with the order would result in the dismissal of the case without prejudice.

More than fourteen days have passed since the Court's order

1 issued and Plaintiff has not complied with the order or otherwise
2 communicated with the Court.

3 Accordingly, this case is hereby DISMISSED without prejudice.

4 The Clerk shall enter judgment and close the file.

5 IT IS SO ORDERED.

6 Dated: 1/8/2013

A handwritten signature in blue ink, appearing to read 'Claudia Wilken', is written over a horizontal line.

CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE